

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE RODRIGUEZ,

Plaintiff,

-against-

MEMORANDUM & ORDER
20-CV-0150 (JS) (AKT)

CORPORAL INMOFF, CORPORAL GULLIKENS,
CORPORAL AGULINO, C.O. BARBARA,
SHERIFF MILLER, SUPERVISOR REHAB,

Defendants.

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APPEARANCES

For Plaintiff: Jose Rodriguez, pro se
2019006232
Nassau County Correctional Center
100 Carman Avenue
East Meadow, New York 11554

For Defendants: No appearances.

SEYBERT, District Judge:

On January 6, 2020, incarcerated pro se plaintiff Jose Rodriguez ("Plaintiff") filed a Complaint in this Court. However, Plaintiff did not remit the filing fee nor did he file application to proceed in forma pauperis. Accordingly, by Notice of Deficiency dated January 7, 2020 (the "Notice"), Plaintiff was instructed that, in order for his case to proceed he must, within fourteen (14) days, either remit the filing fee or file the enclosed application to proceed in forma pauperis and Prisoner Litigation Authorization form ("PLRA"). (See Notice, D.E. 2.)

On January 16, 2020, the Notice was returned to the Court as undeliverable and was marked "Return to Sender/Discharged".

(See D.E. 6.) In addition, another letter sent to the Plaintiff by the Court was also returned to the Court on January 22, 2020 with the same marking. (See D.E. 7.) Plaintiff has not updated his address nor has he otherwise communicated with the Court. Accordingly, it appears that Plaintiff is no longer interested in pursuing this case and it is thus DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of the Court is directed to CLOSE this case and to mail a copy of this Order to the pro se Plaintiff.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to mark this case CLOSED and to mail a copy of this Memorandum and Order to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: April 10, 2020
Central Islip, New York